United Nations S/2003/204

Security Council

Distr.: General
20 February 2003
English
Original: Spanish

Letter dated 20 February 2003 from the Permanent Representative of Cuba to the United Nations addressed to the President of the Security Council

I have the honour to enclose the statement by the Cuban delegation at the 4710th meeting of the Security Council, held on 20 February 2003, on threats to international peace and security caused by terrorist acts (see annex).

I should be grateful if you would have this letter and its annex circulated as a document of the Security Council.

(*Signed*) Bruno **Rodríguez Parrilla**
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Annex to the letter dated 20 February 2003 from the Permanent Representative of Cuba to the United Nations addressed to the President of the Security Council

Statement by the Permanent Representative of Cuba to the United Nations, Ambassador Bruno Rodríguez Parrilla, in the Security Council on the subject of threats to international peace and security caused by terrorist acts, New York, 20 February 2003

The series of terrorist attacks in the most diverse parts of the world that followed the criminal acts of 11 September, the State terrorism against the Palestinian people and the spiral of violence that this generates, and the terrorism against Cuba, inter alia, demonstrate that a comprehensive and collective solution can be found to this ancient and terrible scourge only through harmonious cooperation and consensus, and not by means of war.

Sixteen months later, the facts demonstrate that the war launched in response to the terrorist attacks of 11 September has not achieved its stated objectives.

Hegemonic unilateralism and double standards have prevented the United Nations from recovering its prerogatives and discharging its peace functions. The arbitrary right of veto and its indiscriminate and irresponsible use have tied the hands of the Security Council and subjected Member States, including the non-permanent members of the Council, to tyranny.

Unilateral acts or pre-emptive wars by a State or a group of States, however powerful they may be, on the pretext of combating terrorism are totally unacceptable, and must be categorically condemned, because they would wreck the already precarious collective security system, destroy international law, establish the rule of force worldwide and move us away from the objective of eliminating this scourge.

Progress will be achieved only through international cooperation, not by acts of war, aggression or vengeance whose only consequence will be more violence. Nor will any progress be achieved through the promulgation of laws that authorize extrajudicial executions or arbitrary detentions of national or foreign citizens, by covert action that violates laws and frontiers, by the manipulation of public opinion, by discrimination against and persecution of immigrants, by the abandonment of international humanitarian law, by the violation of human rights or the restriction of the civil freedoms inherent in the State ruled by law, by unilateral sanctions or by "lists" or certifications of countries for murky political purposes.

Nor should the inherent right of self-defence be invoked by a powerful State in response to terrorist acts caused by groups of extremists or individuals, however serious such acts may be, for the unilateral launching of wars that might become global and unpredictable in nature and in which an incalculable number of innocent civilians would die. The right of self-defence can be exercised only as the right of all States to the common defence of all. Otherwise, the countries of the South would be potential victims of acts of force by a few.

The Security Council must not be rushed and compelled to endorse hegemonic and arbitrary decisions that violate the Charter of the United Nations and the sovereignty of all States, nor to make treaty obligations obligatory for States non-

parties, nor to reinterpret or pose the amendment of instruments agreed to by the parties, in flagrant violation of the law of treaties, so as to grant impunity to powerful States and their armed forces.

Only the United Nations is competent to tackle, profoundly and energetically, calmly and resolutely, the serious problems of the globalized world, including terrorism. As the Secretary-General has stated, only this can confer legitimacy on the long-term struggle against terrorism.

To this end, the United Nations can count on the universal participation of States and on principles and norms that are accepted by all and possess historical, moral and legal authority; in extreme cases, it even enjoys the exceptional prerogative of the use of force and of the wisdom, prudence and collective responsibility that entails.

An international struggle needs to be launched against all forms and manifestations of terrorism, with the participation as equals of the countries of the third world, over and above political, religious or any other kind of difficulties, in order to build a just world of free peoples and sovereign and independent States, a world without international terrorism.

Cuba is of the view that any act of force against terrorism will require an explicit decision by the Security Council or the General Assembly, as provided for in the Charter.

Cuba was among the first countries to condemn the crime of 11 September, to express condolences and solidarity with the United States people, to open its airports to dozens of aircraft that were in the air and to offer medical assistance to the victims. It has also exchanged with the United States of America information of mutual interest on terrorism.

In October 2001, Cuba ratified the 12 international instruments on terrorism as a contribution to the international campaign against terrorist acts. In December of that year our country promulgated Act No. 93 against acts of terrorism, which is a comprehensive, modern and stringent code, and since that date has adopted additional effective non-legislative measures, as well as cooperating on its own initiative and in good faith with the Security Council and its Counter-Terrorism Committee, to which it has submitted exhaustive and timely reports, as well as proposing Cuban experts as candidates and offering the Committee technical cooperation and staff. In addition, it has actively supported the negotiation of a general convention against terrorism.

For several decades Cuba has struggled in an exemplary fashion and taken effective measures against international terrorism.

Cuba has never carried out, financed, tolerated or permitted a terrorist act, not even in self-defence against the direct perpetrators or the masterminds of heinous crimes against our people which were financed, organized and conducted from United States territory by the Cuban American National Foundation (CANF) and other groups of the Miami terrorist mafia with complete impunity, in the most recent phase, including bombings, assassination attempts against Cuban leaders and attacks on vital economic targets in Cuba.

Our country has never allowed its territory to be used for terrorist acts against any State, without exception, and it has declared that it will do everything in its power to prevent this in the future.

I categorically reject the slander by the Federal Bureau of Investigation (FBI) Director, Mr. Robert Mueller, before the Senate Intelligence Committee on 11 February 2003, which sought to present Cuba as a threat to the United States, and I challenge him to present the slightest evidence in this regard.

Since 1959 our finances have been transparent, our banks have not accumulated or laundered ill-gotten money, our institutions have not illegally sold information or technologies or tolerated trafficking in arms or dangerous substances, and our frontiers have not afforded shelter to transnational crime.

Cuba will enforce the laws it has in its sovereignty enacted, and expresses its readiness to cooperate with all countries in full respect for the Charter and for international law.

In this spirit, on 29 November 2001 Cuba proposed to the United States Government, without any condition and in keeping with Security Council resolution 1373 (2001) of 28 September 2001, a proposal reiterated in December of that year and in March 2002, three draft bilateral agreements, namely:

(a) A draft programme of bilateral cooperation to combat terrorism, with measures to prevent and suppress the planning, organization, execution, support for or collaboration in and financing of any terrorist act against the other party; and proposals concerning exchange of information and investigative and judicial cooperation;

(b) A draft cooperation agreement to combat illicit traffic in narcotic drugs and psychotropic substances;

(c) A draft agreement on illegal trafficking in persons, originally put forward in September 2001.

Although the United States, on the slightest pretext, has refused even to consider them, Cuba still hopes that there will be a change in that policy.

In the midst of the anthrax crisis, in October 2001, the United States Government was offered 100 million tablets of ciprofloxacin, of which a gift was also made for preventive purposes to United States diplomats in Havana, and in November it was offered a supply of equipment for rapid low-cost typing of strains and spores. In August 2002, Cuba proposed joint investigation and research into the West Nile virus.

It is impossible to eliminate terrorism if some terrorist acts are condemned while others are concealed, tolerated or justified.

For ethical reasons, the use of the veto to block international action to protect the Palestinian people from Israeli State terrorism must end. There must also be an end to the American supplies of aircraft, helicopters and other means whereby that terrorism is carried out.

Terrorism against Cuba must cease.

In the past four decades there have been 691 terrorist acts against Cuba, 68 of them in the 1990s and 33 in the past five years. As a result of them, 3,478 Cubans have died and 2,099 have been disabled.

These same groups have in these 40 years committed 190 terrorist acts against nationals or property of third countries located in United States territory.

Terrorism against Cuba continues to be carried out with absolute impunity from United States territory. On 3 May 1997 and 7 May 1998 the United States President was given evidence of and information on terrorist attacks carried out between 1992 and those dates, including plans for attacks on aircraft.

In Havana on 16 June 1998, Cuba confidentially handed over to two high-ranking FBI officers incontestable, abundant and detailed evidence of those activities, which included 331 pages, record sheets of 64 known terrorists, 4 hours and 38 minutes of secret filming and 21 telephone interceptions.

In August 1998 *The New York Times* made a request to Cuba for information as a follow-up to its later revelations regarding the crimes and plans of Posada Carriles, his journeys to the United States, his connections with the Cuban American National Foundation (CANF) and his links with the CIA and the FBI, which the newspaper had published on 12 and 13 July of that year in connection with a campaign of 10 bombing attacks on hotels in Havana organized and financed by CANF through Posada Carriles which claimed the life of one Italian tourist and injured 12 Cubans.

In response to that request, on 12 August, in Havana, *The New York Times* was exclusively provided, at its request, with essentially the same information provided to the FBI two months earlier. Interviews with detained terrorists were allowed, and access was given to a Cuban agent who had infiltrated CANF and was living under cover.

The only response from the FBI was to detain, on 12 September 1998, Gerardo Hernández, Ramón Labañino, Fernando González, René Gonzalez and Antonio Guerrero. As has been clearly shown, they were, with lofty altruism and courage, trying only to obtain information about terrorist groups based in Miami with a view to preventing their violent acts and saving the lives of Cuban and United States citizens.

They were subjected to 17 months of solitary confinement and other cruel, inhuman and degrading treatment, and two of them have until now, through the refusal of visas, been denied visits by their wives and a daughter who is now four years old.

A civil court in Miami sentenced them to the maximum penalty, without the safeguards of due process, on false charges — including charges that the District Attorney asked to be withdrawn due to lack of evidence — and with a jury that was subjected to threats by terrorist groups and exposed to the intolerance of radical organizations and the anti-Cuban press. A number of known terrorists, called by the defence to testify, were protected by the Fifth Amendment.

At the request of the United States Attorney General, the sentences of two of those men, who are United States citizens, include the following unusual paragraph, which insults the memory of the victims of 11 September, only three months after that crime was committed. It states:

"As a further special condition of supervised release the defendant is prohibited from associating with or visiting specific places where individuals or groups such as terrorists, members of organizations advocating violence and organized crime figures are known to be or to frequent".

The President of the United States has emphatically stated that: "Justice demands that those who helped or harboured the terrorists be punished — and punished severely. ... One of the things we will do is enforce the doctrine, part of the doctrine that says, 'If you harbour a terrorist, you're just as guilty as a terrorist'." And he launched a war on that premise.

On 20 May 2002, President Bush made an offensive anti-Cuban speech in Miami.

A photograph taken by United States television on that occasion shows the presence, on the podium a few feet away from the President, of Sixto R. Aquit Manrique, who was convicted in 1995 of carrying out an act of terrorism in Miami. In 1992 he took part in a plot to assassinate the President of Cuba. In 1993, he attacked the Maltese vessel *Mykonos* and carried out arms deliveries for terrorist purposes. The testimony of two Miami residents imprisoned in Cuba for an armed infiltration of Cuba on 17 October 1996 associates him with that infiltration. In 1998, the FBI was given a great deal of evidence relating to that individual.

In another photograph taken at the same ceremony, Orlando Bosch Ávila can be seen in the front row. He is said to have been invited to the podium and then to have moved. On 23 January 1989, the Acting Associate Attorney General of the United States, Joe Whitley, wrote, in a confidential decision to deny asylum to and deport Orlando Bosch after his illegal entry into the United States and his imprisonment in 1988, that the United States Government had confidential information confirming that "the bombing of a Cuban airlines aeroplane on 6 October 1976 was a CORU operation under the direction of Bosch".

A declassified document circulated to the Security Council in 1992 (S/23890) confirms "Bosch's involvement, between 1961 and 1968, in more than 30 acts of sabotage and violence in the United States, Puerto Rico, Panama and Cuba. These acts included the May 4, 1968 bombing of the British vessel *Granwood*, the May 30, 1968 bombing of the Japanese vessel *Asaka Maru* and the June 1, 1968 bombing of the Japanese vessel *Mikagesan Maru* ... attempted assassination of the Cuban Ambassador in Buenos Aires ... in 1975, ... bombing of the Mexican Embassy in Guatemala City in 1976 ... between June 1976 and March 1977 ... 16 episodes involving bombings, attempted kidnappings, assassination ... in the United States, Spain, the Caribbean and Central and South America".

However, the order to deport Bosch was cancelled, despite the fact that a court had endorsed the Department of Justice decision. He was pardoned by President George Bush in 1990 and granted residency in the United States.

In a radio broadcast, on 6 June 2002, and then on 16 June in *Diario de las Americas*, Orlando Bosch reiterated his call for the use of terrorism against Cuba. On 22 August 2001, he had already published a "Declaration of Principles" in which he regarded terrorist acts against Cuba as legitimate and necessary.

The next day, in *The Herald*, Mas Santos, the head of the terrorist CANF stated his agreement with the "Declaration of Principles".

On 5 December 2002, the *Miami New Times* quoted Bosch as stating "All the people on the aeroplane were henchmen", in reference to the Cuban aeroplane that was bombed.

Roberto Martín Pérez also appears in photographs of the 20 May ceremony. He is the head of the paramilitary group of the Cuban American National Foundation and one of the organizers of the plan to assassinate the Cuban President during the Ibero-American Summit on Margarita Island in November 1997. On that occasion, four known terrorists were arrested on a boat owned by José A. Llama, a CANF leader. One of the sniper rifles belonged to Francisco Hernández, president of CANF. Those arrested were acquitted in a spurious trial that was denounced in the United States press. Martín Pérez was also the organizer of another, aborted, assassination attempt that was to take place during the CARIFORUM Summit in the Dominican Republic in August 1998.

The terrorist Rodolfo Frómeta Caballero, head of F-4 Commandos, issued a statement on 9 January 2003 in a Miami newspaper called *La Verdad*, declaring, "In 2003 we are still at war". Earlier, on 31 December 2002, *El Nuevo Herald* had confirmed that his group had participated in an attack allegedly undertaken in Cuba. As if that were not enough, on 29 January 2003, *The Wall Street Journal* referred to the alliance of that organization with Venezuelan groups resident in Miami, which organize and carry out military training with a view to confronting the constitutional Government of Venezuela. Information on that terrorist was likewise provided to the FBI.

Posada Carriles, one of the perpetrators of the Cuban aeroplane bombing, was a CIA agent for many years. He escaped from a Venezuelan prison in an operation organized and financed by the Cuban American National Foundation. According to United States Senate records, he reappeared as one of the "Contra-gate" operators, receiving a salary from both the CIA and the United States Department of State. He travelled freely to Miami in 1997 and 1998. He was responsible for the bombing campaign against Havana hotels in 1997 referred to earlier. He also organized an assassination attempt against the Cuban President on the occasion of the Ibero-American Summit in Margarita Island. Now he is in prison in Panama, awaiting trial on charges of trying to blow up, using 20 kilograms of C-4 and 50 packets of Semtex, a university auditorium during a speech by President Fidel Castro on 16 November 2000, in the presence of thousands of professors and students from Panama, on the occasion of another Ibero-American Summit.

Arrested together with him were Pedro Remón Rodríguez, who was responsible for the murder, also on 11 September, but in 1980, of a Cuban diplomat accredited to the United Nations; Guillermo Novo Sampoll, responsible for launching a missile against the United Nations building in 1964 and for the murder of the Chilean diplomat Orlando Letelier and the United States citizen Ronnie Moffit in 1976, and Gaspar Jiménez Escobedo, who murdered a Cuban official in Mexico in 1976 and organized an assassination attempt against the Cuban Ambassador to the United Nations in 1980.

At a recent ceremony in Miami on 15 November 2002 to pay tribute to the terrorists detained in Panama, Orlando Bosch again called for terrorism against Cuba, but the most eloquent speaker on that occasion was Dionisio Suárez, who served a 12-year prison sentence for the murder of Letelier and Moffit. Referring to the acts that those terrorists had planned to carry out in Panama, Dionisio Suárez

said, "They deserve respect; they deserve applause". Suárez, too, was invited to the presidential ceremony that took place on 20 May 2002.

Meanwhile, in Panama, justice is being postponed, the most serious charges have been dropped, the detainees enjoy a luxurious detention, security measures are being relaxed, and known terrorists of CANF resident in Mexico who are financing their defence are allowed to travel freely and meet with them. Cuba's extradition request was rejected despite our request that an international court should sit in Havana and the guarantees that the maximum penalty would not be imposed, and there was no response to Venezuela's extradition request. There is good reason for believing that this terrorist act will remain unpunished.

On 11 November 2002, a Cuban AN-2 aircraft was hijacked and taken to United States territory. Instead of being put on trial, the eight hijackers were given asylum. Instead of being returned, the aircraft was auctioned off.

Two weeks ago, on 7 February, during the "orange" anti-terrorist alert in the United States, a military vessel from the Cuban coastguard service arrived at Key West without being intercepted, and docked there. The vessel was carrying four armed men wearing camouflage fatigues. Although the vessel was returned, the hijackers have not been returned to Cuba and have not been charged.

With complete impunity and with the complicity of United States authorities, funds are being collected in Miami for the purpose of financing terrorist acts, bank accounts that finance terrorism are operating openly and normally; terrorists are being recruited; arms deliveries are taking place; safe haven is being provided, and territory is being allowed to be used by those who finance, plan and carry out terrorist acts.

The Security Council has been kept informed over the years. In 1992 Cuba requested the Council to act, but Cuba's draft resolution S/23990 was not even considered. The United States representative called the meeting a waste of time (S/PV.3080).

Both in 2001 and in 2002, Cuba submitted copious information to the Counter-Terrorism Committee.

Cuba expects the Security Council and its Committee to act.

Cuba expects energetic and responsible action on the part of the international community.

Does resolution 1373 (2001) not apply to the terrorism that, on an ongoing basis and with manifest impunity, is being undertaken from United States territory against Cuba?